

REMARKS

I. Status of Claims

Prior to entry of this paper, **Claims 1-30** were pending. In the non-final Office Action issued March 26, 2009, Claims 1-30 were rejected. In this paper, Claims 1, 13, 17, 20-23, and 30 are amended; no claims are cancelled; and no claims are added. Claims 1-30 are currently pending. No new matter is added by way of this amendment. For at least the following reasons, Applicants' representative respectfully submits that each of the presently pending claims is in condition for allowance.

II. Claim Rejections - 35 U.S.C. § 101

First, it is noted that certain previous rejections under 35 U.S.C. § 101 have been reconsidered and withdrawn. The withdrawal of these rejection is acknowledged with appreciation.

In the most recent Office Action, **Claims 20-22** were rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Particularly, the most recent Office Action, at page 2, lines 13-17, state, "The claims begin by discussing a system (ex. Claim 20: server), but subsequently the claims then deal with the specifics of a method (the steps) executed by the processing means".

With this paper, dependent Claims 20-22 have been amended to further clarify their respective associations with the "*server*" claimed therein as well as in amended independent Claim 17. Support for these amendments can be found throughout the application as originally filed, including on page 8, lines 1-13 of the specification and Figure 4 of the drawings. It is respectfully submitted that these amendments further clarify that these claims are directed toward statutory subject matter. For example, dependent Claim 20, as amended, further clarifies that the at least one selected method is "*performed by a server*". Dependent Claims 21 and 22 are amended to further clarifies that they are directed to a particular apparatus for receiving data, a "*user interface application*". In view of at least these amendments, it is respectfully submitted that these claims, are directed toward statutory subject matter.

Moreover, it is respectfully submitted that an apparatus claim with process steps is not classified as a "hybrid" claim; instead, it is simply an apparatus claim including functional

limitations. See, e.g., *R.A.C.C. Indus. v. Stun-Tech, Inc.*, 178 F.3d 1309 (Fed. Cir. 1998) (unpublished). In such a case, the claims remain statutory. See MPEP 2106 (IV)(B) and 2173.05(g).

For at least these reasons, it is respectfully submitted that dependent Claims 20-22 are directed toward statutory subject matter. Withdrawal of the rejection under 35 U.S.C. § 101 is respectfully requested.

III. Claim Rejections - 35 U.S.C. § 112

First, it is noted that certain previous rejections under 35 U.S.C. § 112, 2nd paragraph, have been reconsidered and withdrawn. The withdrawal of these rejection is acknowledged with appreciation.

In the most recent Office Action, **Claims 1-30** were rejected under 35 U.S.C. § 112, second paragraph, as being unclear. The applicants' representative respectfully traverses these rejections, as is further discussed as follows.

On page 3, lines 8-10, the Office Action states, "it is unclear if the Applicant is optimizing the content based on the bid amount of based on the estimated number of clicks". The applicants' representative respectfully submits that this statement does not properly correspond to limitations of claims to which it is applied. Particularly, amended independent Claim 1 recites, "*the at least one selected method is enabled to optimize a plurality of separate bids*" (emphasis added). That is, the bids are optimized, not "*the content*", e.g., an advertisement, as suggested in the above statement from the Office Action. Each bid may be *associated* with content, as further claimed in claims such as amended independent Claim 1, but amended independent Claim 1 clearly and distinctly states, "*the at least one selected method optimizes the plurality of separate bids*" (emphasis added). A "*bid*" is not "*content*", even in the broadest reasonable interpretation of the term, and clearly not as is further claimed in amended independent Claim 1.

It is respectfully submitted that this distinction, and clarification, overcomes a majority, if not all, of the grounds of rejection applied under 35 U.S.C. § 112 with respect to Claims 1-30. For example, it clarifies that the statement "*if you optimize based on which ad/keyword is receiving the most clicks*", as presented on page 3, line 13 of the non-final Office Action, does not relate to the

limitations of claims such as amended independent Claim 1, at least because amended independent Claim 1 does not recite optimizing based on an ‘ad’. The distinction between “*bids*” and “*content*” is further substantiated by the limitations formally and positively recited in claims such as amended independent Claim 1.

It is further noted that, in the limitations of the claims, such as amended independent Claim 1, an “ad” is not a “keyword”, even though this is what appears to be suggested by the phrase “ad/keyword” used in the non-final Office Action (See at lines 13, 15, and 16 on page 3). Amended independent Claim 1 does not use the term “ad”. Moreover, determining an ‘ad’ that *corresponds* to a keyword does not mean that the keyword itself is an ad. It is respectfully submitted that the context of a “*sponsored search*” further substantiates this distinction, including to one of ordinary skill in the art and a broadest reasonable interpretation.

The above remarks are applicable to the at least similar limitations of amended independent Claims 13, 17, 23, and 30, as well as dependent Claims 2-12, 14-16, 18-22, and 24-29. For at least these reasons, it is respectfully submitted that the grounds of rejection under 35 U.S.C. § 112 are not applicable to the inventions respectively claimed therein. Reconsideration and withdrawal of these rejections is respectfully requested.

On page 3, lines 18-19, the Office Action also states, “it is interpreted that the optimization is based on the actual number of clicks and not the estimated number of clicks”. The applicants’ representative disagrees with this interpretation. The claims, such as amended independent Claim 1, explicitly recite “*the optimization is based on an estimated number of clicks*” (emphasis added). To repeat, the claims refer to estimated number of clicks and not an actual number of clicks. This concept of “estimated number of clicks” is clearly and distinctly supported throughout the specification as originally filed. As discussed at page 10, lines 21-24, a number of clicks available for time period I, position j, and keyword k can be inferred from historical data. Moreover, Figure 6 explicitly refers to “Estimated Clicks for keyword k, time interval I”. As such, the term “*estimated number of clicks*” is clearly and sufficiently described in the specification. An interpretation of ‘actual number of clicks’ for the claims, including amended independent Claim 1, is simply not applicable to this limitation, even giving the limitation its broadest reasonable interpretation.

'Estimate' is not 'actual'. For this reason, the rejections under 35 U.S.C. § 112, 2nd paragraph, as well as 35 U.S.C. § 103(a) are not applicable and should be withdrawn.

On page 3, lines 21-23, the non-final Office Action states, "there appears to be no relationship between the bid and the estimated number of clicks, and the content is being selected on the bid amount only". The applicants' representative respectfully submits that these elements, as further claimed in claims such as amended independent Claim 1, are related. For example, amended independent Claim 1 recites "*the at least one selected method is enabled to optimize a plurality of separate bids*". Further, amended independent Claim 1 also recites, "*the optimization is based on an estimated number of clicks*". Thus, 'bids' and the 'estimated number of clicks' are clearly related in the claims.

Amended independent Claim 1 further recites, "*automatically placing the at least one bid on the keyword based on the at least one selected method...wherein automatically placing the bid includes implementing the at least one selected method*". That is, the bid is placed based on the method, which as noted above, has optimized the bid based on the estimated number of clicks.

Amended independent Claim 1 then recites, "*the at least one placed bid is at least one bid whose value is employed to acquire placement of the predetermined content in the result from the sponsored search*". As such, the predetermined content is placed in the sponsored search result based on the placed bid, which has been optimized and placed based on the estimated number of clicks.

To briefly reiterate, as further represented in independent Claim 1, a predetermined method is selected. An estimated number of clicks is used by the method to optimize a bid. The bid is then placed. A value of the placed bid is employed to acquire placement of predetermined content in a result from a sponsored search. Accordingly, it is respectfully submitted that the elements of amended independent Claim 1 are clearly related and distinctly claimed, including as further required by 35 U.S.C. § 112, 2nd paragraph. It is further noted that the above summary discusses a brief, exemplary embodiment of amended independent Claim 1, and is provided for clarification purposes; It is not to be considered limiting with respect to the limitations further presented in amended independent Claim 1.

On page 4, lines 8-11, the most recent Office Action has stated, “the second limitation regarding optimizing a plurality of separate bids for keywords is not being given weight, since the following phrase pertains to optimizing by a click thru rate, so the second limitation is being as being associated with optimizing by a click thru rate only”. The applicants’ representative respectfully disagrees with this interpretation. As noted above, the **bids** are optimized in the claims and the “*bid*”, “*method*”, “*estimated number of clicks*”, and “*content*” are all related, including as is further claimed in amended independent Claim 1. With this paper, the patentable weight of this second limitation of “*optimizing*” has been further highlighted by reciting “*automatically placing the bid includes implementing the at least one selected method that optimizes the plurality of separate bids*” and “*the optimized plurality of separate bids includes the at least one placed bid*”. Thus, the very placing of the “*bid*” requires and is related to the limitation of “*optimizes*” further claimed therein.

Amended independent Claims 13, 17, 23, and 30 include limitations similar, albeit different to those discussed above with respect to amended independent Claim 1. As such, the above remarks apply to these claims as well. For at least the same reasons, it is respectfully submitted that amended independent Claims 1, 13, 17, 23, and 30 particularly point out and distinctly claim the subject matter for which patent protection is sought. According withdrawal of these rejection under 35 U.S.C. § 112, 2nd paragraph, is requested.

Moreover, Claims 2-12, 14-16, 18-22, and 24-29 respectively depend from amended independent base Claims 1, 13, 17, and 23. For at least similar reasons, withdrawal of the rejections under 35 U.S.C. § 112, 2nd paragraph, is requested.

Claims 4, 15, 20, 26 and 27 were rejected under 35 U.S.C. §112, second paragraph, as being unclear as to what was meant by selecting how to place a bid by one of the methods including minimum cost for maximum acquisitions, shortest time for maximum acquisitions, time interval budget, and custom. The applicants’ representative respectfully traverses this rejection. The test for definiteness under 35 U.S.C. 112, second paragraph, is whether “those skilled in the art would understand what is claimed when the claim is read in light of the specification”. See MPEP 2173.02. Moreover, pages 8-9 of the specification, as originally filed, provide examples of the

claimed "*methods*". As such, in view of at least this portion of the specification, those skilled in the art would understand what is claimed in these claims. Withdrawal of the rejections under 35 U.S.C. § 112 is respectfully requested.

Claims 6 and 10 were rejected under 35 U.S.C. §112, second paragraph, as being unclear what the Applicants means by the selected method is "*configured to enable*," since was held to be unknown if this is referring to achieving this task for example by a computer program etc (see section 6 of the Office Action). In response, the applicants' representative respectfully submits that amended Claim 1, from which Claim 6 depends, is directed to a "*method, implemented on at least one network device*". As such, it is respectfully submitted that the "*configured to enable*" aspect of dependent Claim 6 is also, therefore, implemented on a network device. Moreover, the phrase "*configured to enable*", as cited in the Office Action, is not included in dependent Claim 10. Accordingly, withdrawal of these rejections to dependent Claims 6 and 10 is respectfully requested.

Claim 13 was rejected under 35 U.S.C. §112, second paragraph, as being unclear as to what the Applicant means by total number of clicks to bid on for each keyword over a period of time. Particularly, the Office Action, at line 7 of page 5, further states, "you can either select to bid by a total number of clicks or by an amount of time". The applicants' representative respectfully submits that the basis of this rejection is unclear. Particularly, the basis of this constraint on bidding, that "you can either select to bid by a total number of clicks or by an amount of time", appears to be based on column 5, lines 5-8 of the Mason reference applied in the Office Action, and not Claim 13 itself. It is respectfully submitted that constraints of the prior art, such as Mason, do not limit the metes and bounds of amended independent Claim 13, including in this situation. In fact, it is respectfully submitted that this difference further substantiates the distinction and patentability of amended independent Claim 13 over the prior art of record. Amended independent Claim 13, when read in light of the specification as originally filed, and not the reference of Mason, possesses the definiteness required by 35 U.S.C. § 112, 2nd paragraph. For further substantiation, please see, for example, page 3, lines 22-29 of the specification as originally filed, as well as Figure 6.

On page 5, lines 13-15, the most recent Office Action states, “if more than one bid is provided for a keyword, does this mean that the second bid replaces the first bid, or there are just two separate outstanding bids on the same keyword”. Similar to above, the requirement for definiteness of 35 U.S.C. 112, second paragraph, is whether the claim meets the threshold requirements of clarity and precision, not whether more suitable language or modes of expression are available. Some latitude in the manner of expression and the aptness of terms should be permitted even though the claim language is not as precise as might be desired. See MPEP 2173.02. It is respectfully submitted that amended independent Claim 13 is not limited to either of these examples cited in the Office Action. So far as either example may be included within the scope of amended independent Claim 13, it is respectfully submitted that amended independent Claim 13 possesses the definiteness required by 35 U.S.C. § 112, 2nd paragraph. It is also respectfully submitted that selecting either of these examples not necessary for amended independent Claim 13 to overcome the rejection under 35 U.S.C. § 103(a).

On page 5, lines 18-19, the Office Action states, “it is unclear if you are bidding on each keyword or if you are bidding per click or if the two are the same thing”. In response, the applicants’ representative respectfully submits that amended independent Claim 13 recites “*generating the at least one bid for each provided keyword*” and “*at least one bid for each provided keyword is dependent on ...the desired number of total clicks*”. At least these limitations answer the question posed in the above reproduced statement. That is, the bid is for a keyword and dependent on the desired total number of clicks.

On page 5, lines 21-22 and page 6, line “it is unclear what the Applicant means by the bid being dependent on the provided budget and the total number of clicks, since the total number of clicks would be determined based on the budget amount”. In response, it is noted that amended independent Claim 13 does not recite “total number of clicks”. Moreover, a budget can be used to obtain various different numbers of clicks, depending on the size of the bid required to successfully bid for each click. That is, a predetermined budget can be used to place a small number of high priced bids to obtain a small number of click, or, for example, the budget can be used to place a

large number of non-expensive, low-priced bids, enabling more clicks to be obtained. Amended independent Claim 13 at least enables and includes such a distinction therein.

Similar to above, amended independent Claim 13 also does not recite “optimizing based on separate bids” as recited at line 7 of page 6 of the most recent Office Action. Rather, amended independent Claim 13 recites “*the at least one selected method optimizes the plurality of separate bids*”. That is, the separate bids are themselves optimized by the separate bids.

On page 6, lines 7-8, the Office Action states, “For example, are there multiple bids on the same keyword by the same advertiser or is there one bid per one keyword”. It is respectfully submitted that the question of “by the same advertiser” is not required for one of ordinary skill in the art to be appraised of the scope of amended independent claim 13. Nor is this issue required to be addressed in order for amended independent Claim 13 to possess the necessary non-obviousness to overcome the rejection under 35 U.S.C. § 103(a). As noted above, definiteness under 35 U.S.C. 112, second paragraph, is a threshold requirement. It does not, for example, require aspects above or beyond this threshold to be answered or addressed in order to apprise one of ordinary skill in the art of the scope of the claim. See MPEP 2173.02. It is respectfully submitted that amended independent Claim 13 is not limited to either of these examples cited in the Office Action, nor does it need to be so limited in order to meet the requirements of both 35 U.S.C. § 112 and 35 U.S.C. §103(a). So far as either example may be included within the scope of limitations of amended independent Claim 13 that are positively recited in the claims, it is respectfully submitted that amended independent Claim 13 at least meets the threshold requirement of 35 U.S.C. § 112, 2nd paragraph. Moreover, amended independent Claim 13 recites optimizing a plurality of separate bids for “*each*” provided keyword, which provides at least one, sufficiently distinct and particular relationship between the further claimed “*bids*” and “*keyword*”.

On page 6, lines 10-13, the Office Action states, “it is unclear what the Applicant means by this limitation. Specifically, who is doing the desiring of the total number of clicks. It is interpreted as a number of total clicks (i.e. actual number of clicks) as was previously recited by the Applicant.”. The applicants’ representative respectfully disagrees with this interpretation.

Amended independent Claim 13 simply does not recite 'actual number' of clicks. Thus, such an interpretation is improper and does not conform to the requisite claim interpretation, including as further discussed in MPEP 2111. Moreover, it is respectfully submitted that the "who" is doing the 'desiring' is not requisite for a particular and distinct interpretation of the pertinent limitation, i.e., that the number of total clicks is "*desired*". It is also respectfully submitted that the cited language meets the required threshold under 35 U.S.C. § 112, 2nd paragraph, of whether "those skilled in the art would understand what is claimed when the claim is read in light of the specification", at least based on page 3, lines 24-27 of the specification as originally filed.

For at least the above reasons, withdrawal of the rejection under 35 U.S.C. § 112, 2nd paragraph, is respectfully requested.

Claims 16 and 28 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite. Particularly, the limitation of one provided keyword further comprising at least one generated keyword that is related to the one provided keyword was considered to render the claim indefinite. The applicants' representative respectfully disagrees. As noted above, the test for definiteness under 35 U.S.C. 112, second paragraph, is whether "those skilled in the art would understand what is claimed when the claim is read in light of the specification." See MPEP 2173.02. Moreover, page 7, lines 19-21 of the specification as originally filed at least states that a generated keyword may be added to a list of at least one provided keyword. In view of at least this example, one of ordinary skill in the art would be sufficiently apprised of scope of patent protection sought by the associated limitations. Withdrawal of these rejections under 35 U.S.C. §112, 2nd paragraph, is respectfully requested.

Claims 17 was rejected under 35 U.S.C. §112, second paragraph, as being indefinite. Particularly, the phrase "*automatically determining placement of the at least one bid*" was held to be unclear. In response, the applicants' representative respectfully submits that one of ordinary skill in the art would be readily apprised of the scope of protection sought by this limitation. Moreover, this limitation is further substantiated throughout the application as originally filed, including on page 4, lines 1-5 of the specification and Figures 2 and 6 of the drawings. Also, at least one

interpretation of such a limitation was able to be provided in the Office Action at page 7, lines 3-5. For at least these reasons, withdrawal of the rejection under 35 U.S.C. § 112, 2nd paragraph is requested.

Claims 18 and 19 were rejected under 35 U.S.C. §112, second paragraph, as failing to point out and distinctly claim the subject matter which the Applicant regards as the invention.

However, each of these claims are directed to "*The server of Claim 17*". That is, these claims are clearly and distinctly directed to a server, and not, for example, a 'computer readable medium' as suggested in the Office Action. Amended independent Claim 17 further recites a server that comprises "*a transceiver for communicating over a network, including receiving advertiser data*". That is, the server has the advertising data. Moreover, as further claimed in amended independent Claim 17, this server includes a "*processor for executing logical instructions stored in the memory*", the actions caused by this execution including "*displaying advertising data*". That is, the data is still related to actions performed by the server.

It is also noted that on page 7, lines 18-19 of the Office Action states, "claim 19 recites data further comprises multiple versions of advertising copy, and it is unclear what the Applicant means by this limitation". The applicants' representative respectfully submits that one of ordinary skill in the art would understand what is meant by this limitation, including the term "*advertising copy*". Such a limitation is further substantiated and discussed on page 10, lines 33-38 and page 11, lines 1-12 of the specification, though no limitations from these portions of the specification need be read into dependent Claim 19 in order for the limitations of this claim to be understood.

Claims 20 was rejected under 35 U.S.C. §112, second paragraph, as failing to point out and distinctly claim the subject matter which the Applicant regards as the invention. Similarly, **Claims 21 and 22** were rejected under 35 U.S.C. §112, second paragraph, as indefinite for failing to point out and distinctly claim the subject matter which the Applicant regards as the invention. The applicants' representative respectfully disagrees with this interpretation of these dependent claims. Regardless, an apparatus claim with process steps is not classified as a "hybrid" claim; instead, it is simply an apparatus claim including functional limitations. See, e.g., *R.A.C.C. Indus. v. Stun-Tech*,

Inc., 178 F.3d 1309 (Fed. Cir. 1998) (unpublished) as further discussed in MPEP 2106 (IV)(B). As such, Claims 20-22 are clearly and distinctly directed toward a single statutory class of subject matter.

In view of the above remarks, withdrawal of the previous rejections under 35 U.S.C. § 112, 2nd paragraph, is respectfully requested.

IV. Claim Rejections - 35 U.S.C. § 103

Claims 1-5, 7-9, 11-28 and 30 were rejected under 35 U.S.C. 103(a) as being unpatentable over Davis et al. (Patent Number 6,269,361 hereinafter “Davis”), in view of Mason et al. (Patent Number 6,401,075 hereinafter “Mason”), and further in view of Breen, Jr. et al (Patent Number 6,598,027 hereinafter “Breen”).

With this paper, certain independent claims have been amended to further clarify the distinction, and thus patentability, between the inventions respectively claimed therein and the prior art of record – including Davis, Mason, and Breen. Support for these amendments can be found throughout the application as originally filed, including on page 4, lines 1-10; page 8, line 13 through page 10, line 24 of the specification; and Figures 5 and 6 of drawings. As amended, independent Claim 1 at least recites:

the at least one selected method is enabled to optimize a plurality of separate bids for corresponding keywords, and wherein the optimization is based on an estimated number of clicks on content in the result from the sponsored search

automatically placing the at least one bid on the keyword based on the at least one selected method and the provided budget, wherein automatically placing the at least one bid includes implementing the at least one selected method that optimizes the plurality of separate bids; and wherein the optimized plurality of separate bids includes the at least one placed bid

It is respectfully submitted that Davis, even in view of Mason and Breen, does not suggest at least the above limitations.

As presented in a prior response, Davis and Breen do not suggest at least such limitations. Rather, Davis discloses a “Change Bids” option and a “Change Rank Position” option for the results of a search engine, but these options involve directly receiving bid amounts from a user and individually managing bids with respect to rankings (see col. 18, line 55-col. 19, line 7; col. 19, lines 45-58 of Davis). This direct assessment and control of bids and rankings does not suggest “*at least one selected method is enabled to optimize a plurality of separate bids*” wherein “*optimization is based on an estimated number of clicks*” as further claimed in amended independent Claim 1. Individually managed bids, as arguably disclosed in Davis, also does not suggest “*placing the at least one bid includes implementing the at least one selected method that optimizes the plurality of separate bids*” wherein “*the optimized plurality of separate bids includes the at least one placed bid*” as further claimed in amended independent Claim 1.

Breen does not suggest these limitations either. Instead, Breen discloses automatic, individual bid placement based on other bid amounts (see col. 21, line 30 – col. 22, line 28 of Breen). Clearly, a single bid, increased incrementally, for a particular product offered for sale (see col. 21, lines 54-59), does not suggest “*at least one selected method is enabled to optimize a plurality of separate bids*” wherein “*optimization is based on an estimated number of clicks*” as further claimed in amended independent Claim 1. Moreover, individual bids that are determined based on previous bids, as arguably disclosed in Breen, also does not suggest “*placing the at least one bid includes implementing the at least one selected method that optimizes the plurality of separate bids*” wherein “*the optimized plurality of separate bids includes the at least one placed bid*” as further claimed in amended independent Claim 1.

At pages 9 and 10, section 14 of the most recent Office Action appears to generally agree with this position regarding Davis and Breen.

However, Mason does not suggest these limitations either. Instead, Mason discloses a system for monitoring viewer traffic, thereby enabling modification of an ongoing advertisement campaign (col. 6, lines 27-33). Mason further discloses modifications such as substituting a more successful banner for a less successful banner (col. 6, lines 36-51) and modifying a timing of a placement of ads between mornings and afternoons (col. 6, lines 51-59). However, changing a

banner or a time of day for the banner does not suggest “*optimize a plurality of separate bids*” or “*implementing the at least one selected method that optimizes the plurality of separate bids*”. That is, bids are not banners and bids are also not a time of day. Rather, Mason admits that advertising space is already purchased (col. 5, lines 6-32), which, it is respectfully submitted, precludes optimizing “*bids*”.

Also, monitoring actual received traffic, as appears to be suggested in Breen (col. 6, lines 27-30) does not suggest “*an estimated number of clicks*”. It does not further suggest optimizing a plurality of bids thereon, as is further claimed in amended independent Claim 1. The most recent Office Action appears to substantiate this position, stating “Mason teaches optimizing based on an actual number of clicks” (see bottom of page 9, section 14). As noted above, an estimate number is not an actual number, even in a broadest reasonable interpretation of the phrase. An “estimate number” concerns prospective information, e.g., what may or may not happen in the future. But an ‘actual number’ deals with retrospective information, e.g., what has already happened in the past. Again, it is respectfully submitted that these two terms are distinctly different.

It is further respectfully submitted that this difference between “estimate” and ‘actual’ further highlights a benefit of the claimed invention over the prior art of record. For example, an “estimate” number of clicks enables an advertiser to plan for the future in various ways, such as managing a period of time over which an advertising campaign can be run with a given budget. Without this control, such as provided by the claimed “*predetermined method*” in amended independent Claim 1, a budget may be used up too quickly, such as in a single day, when the advertiser desired the budget to last throughout an entire month. This, in turn, might cause business problems for the advertiser, such as when the volume of clicks is too big for the advertiser to handle. The “*predetermined method*”, as claimed, also enables an advertiser to try to spend as much of the given budget as possible within a time period, ensuring that the presence of the advertising campaign is as strong as desired over the entire time period. In turn, this ability to manage an advertising campaign also attempts to ensure that an advertised service or business is not receiving too little click volume for the advertising budget that has been made available. These and other non-limiting benefits and example are noted throughout the specification as originally filed, including on page 1, lines 23-27; page 3, lines 22-29; page 4, lines 1-3; page 9, lines 17-22; and

page 10, lines 25-27. It is respectfully submitted that Davis, even in view of Mason and Breen, does not suggest or otherwise enable these advantages to be realized, including as they are further claimed in claims such as amended independent Claim 1.

For at least these reasons, it is respectfully submitted that Davis, even in further view of Breen and Mason, does not suggest the limitations, as amended, in Claim 1, particularly when they are considered as a whole. Accordingly, withdrawal of this rejection is respectfully requested.

Independent **Claims 13, 17, 23, and 30** have been amended to include limitations similar, albeit different from that discussed herein with respect to amended independent Claim 1. For at least similar reasons, the combination of Davis in view of Breen and Mason does not suggest the limitations of these claims either. Accordingly, it is respectfully submitted that these claims are patentable over Davis in view of Breen and Mason and withdrawal of the rejection under 35 U.S.C. § 103(a) is respectfully requested.

Dependent **Claims 2-5, 7-9, 11-12, 14-16, 18-22, and 24-28** respectively depended from amended independent base Claims 1, 13, 17, and 23. Thus, these dependent claims are not suggested by the combination of Davis in view of Breen and Mason for at least similar reasons. It is respectfully submitted that these claims are patentable over Davis in view of Breen and Mason and withdrawal of the rejection under 35 U.S.C. § 103(a) is respectfully requested.

Claims 10 and 29 were rejected under U.S.C. 103(a) as being unpatentable over Davis in view of Mason, further in view of Breen, and further in view of McGregor (Publication Number US 2002/0026360 A1 hereinafter "McGregor").

So far as amended **Claim 10 and Claim 29** depend on amended independent Claims 1 or 23, and comprise limitations involving proper patentable weight, it is respectfully submitted that these claims are not taught or suggested by Davis in view of Breen and Mason at least by virtue of their dependency. It is further respectfully submitted that McGregor does not cure these deficiencies, at least so far as the profile characteristics are used by an advertiser to select advertisements to be placed (para. [0069], for example), not optimize a plurality of bids as is further claimed in amended independent Claims 1 and 23. Accordingly, withdrawal of these rejections is also respectfully requested.

Claim 6 was rejected under U.S.C. 103(a) as being unpatentable over Davis in view of Mason, further in view of Breen, and further in view of Official Notice. The Office Action, in section 28 on page 18, states, "For example, if a user overpays a credit card bill, the this surplus payment can be applied to the following bill or be returned to the user as a check". The applicants' representative respectfully traverses this Office Notice and requests documentary evidence to support such a conclusion. This conclusion is not considered to be common knowledge or well-known in the art at least because the cited example is not applicable or analogous to the limitations of dependent Claim 6. That is, a "credit card bill" is not "*a time interval budget*" nor is it a "*a result of a sponsored search*". An amount of money already paid is not a "*budget*". A credit card is not "*at least one selected method.. enabled to optimize a plurality of separate bids for corresponding keywords*" as further claimed in amended independent Claim 1 from which Claim 6 depends. The Office Action does not address nor otherwise obviate these substantial distinctions. Again, the cited example is simply not analogous, nor does it suggest the limitations of Claim 6. The "credit card bill" example does not meet the requirements for Office Notice, nor does it meet the requirements for a rejection under 35 U.S.C. § 103(a). Accordingly it is respectfully submitted that the Official Notice, as well as the rejection under 35 U.S.C. § 103(a), should be withdrawn.

CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue. If the Examiner has any questions or concerns, the Applicants encourages the Examiner to contact the Applicants' representative, John Branch by telephone to discuss the matter.

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Respectfully submitted,

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